

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-50 and 52-55. By this amendment, claims 2 and 10 are cancelled. Accordingly, the claims now in the application are claims 1, 3-9, 11-50 and 52-55.

In the Office Action the title has been objected to as being nondescriptive. In response, Applicant has amended the title to read "Cellobiose Esters" which provides a more descriptive title of the invention.

Claims 28-30, 32, 37-46 and 50 have been rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10, 15, 21, 23-27 and 33 of prior U.S. Patent No. 6,248,312. Applicant respectfully submits that the present invention as currently amended is not drawn to identical subject matter as is claimed in prior U.S. Patent No. 6,248,312. In accordance with the current amended claims of the present invention, Z is limited to R'-CO-. Accordingly, there is no OH substitution at the -OZ location at the anomeric carbon. Thus, the substitution at the anomeric carbon differs from elsewhere around the cellulose and is a different structure than that which is disclosed in U.S. Patent No. 6,248,312. U.S. Patent No. 6,248,312 is not drawn to such an invention and thus applicant respectfully request that this rejection under 35 U.S.C. 101 be withdrawn.

Claims 1-12, 15, 16, 18, 20, 28 and 52 have been rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-5, 9-15 and 18-22 of prior U.S. Patent No. 6,458,344. Applicant respectfully submits that the present invention as currently amended is not drawn to identical subject matter as is claimed in prior U.S. Patent No. 6,458,344. In accordance with the current amended claims of the present invention, Z is limited to R'-CO-. Accordingly, there is no OH substitution at the -OZ location at the anomeric carbon. Thus, the substitution at the anomeric carbon differs

from elsewhere around the cellulose and is a different structure than that which is disclosed U.S. Patent No. 6,458,344. U.S. Patent No. 6,458,344 is not drawn to such an invention and thus applicant respectfully request that this rejection under 35 U.S.C. 101 be withdrawn.

In view of the above amendments and remarks, applicant respectfully request that the rejections under 35 U.S.C. §101 be withdrawn.

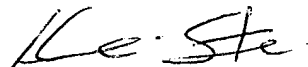
Claims 13, 14, 17, 19, 21, 29-30, 37-50, 53 and 54 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of applicants prior patent U.S. Patent No. 6,458,344. Applicant reserves their rights to file a Terminal Disclaimer to overcome this obviousness-type double patenting rejection until applicant receives an indication of allowability of the claims of the present application.

Claims 22-27, 31-36 and 55 have been objected to as being dependent upon a rejected base claim, but are said to be allowable if rewritten in independent form. Applicant respectfully submits that these claims are now in position to be allowed with their current dependency in view of the amendments that are currently submitted to the claims upon which these depend upon.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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